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Attorneys for Defendants
Shamrock Foods Company and John Fernandes

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA – SACRAMENTO DIVISION

GLENN FITE, individually and acting on
behalf of a class of similarly situated
employees,

Plaintiff,

vs.

SHAMROCK FOODS COMPANY, an Arizona
Corporation, JOHN FERNANDES, an
individual, and DOES 1-50, inclusive,

Defendants.

Case No: 2:21-cv-00023-JAM-KJN

Before the Hon. John A. Mendez

**STIPULATION CONSENTING TO
PLAINTIFF'S FILING FIRST AMENDED
COMPLAINT; ORDER**

[Pursuant to Fed. R. Civ. Proc. 15(a)(2)]

**TO THE HONORABLE COURT AND ALL INTERESTED PARTIES AND THEIR
COUNSEL OF RECORD:**

Pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure, Plaintiff GLENN FITE, (“Plaintiff”) by and through his counsel of record, Mallison & Martinez, and Defendants SHAMROCK FOODS COMPANY and JOHN FERNANDES (collectively, “Defendants”) by and through their counsel of record, Conn Maciel Carey LLP, stipulate to the filing of Plaintiff’s First Amended Complaint. In support of this stipulation, the Parties state as follows:

WHEREAS, Plaintiff filed his Complaint against Defendants on January 5, 2021;

WHEREAS, in the Complaint, Plaintiff sets forth eight (8) claims for relief on behalf of himself and a class of similarly situated individuals;

WHEREAS, Defendants have informed Plaintiff of the existence of an alleged arbitration agreement, which purportedly covers the individual and class claims at issue;

WHEREAS, Defendants must file a responsive pleading no later than April 23, 2021;

WHEREAS, in order to avoid unnecessary law and motion practice, Plaintiff and Defendants have consented to the dismissal of Plaintiff’s individual and class claims without prejudice;

WHEREAS, Defendants consent to Plaintiff filing a First Amended Complaint pursuant to Federal Rule of Civil Procedure 15(a)(2).

NOW THEREFORE, the Parties STIPULATE as follows and respectfully request the Court adopt as an order:

1. Plaintiff is permitted to file a First Amended Complaint no later than 7 days after the Court’s order granting Plaintiff leave to file the First Amended Complaint.

2. Defendants shall file a responsive pleading to the First Amended Complaint within 21 days of service of the filed First Amended Complaint.

3. The deadline for Defendants to file a responsive pleading to the original Complaint is stayed pending the Court’s decision on this stipulation.

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1 Respectfully submitted,

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3 Dated: April 19, 2021

MALLISON & MARTINEZ

4 By: /s/ Liliana Garcia

5 Stan S. Mallison
6 Hector R. Martinez
7 Liliana Garcia

8 Attorneys for Plaintiff

9 Dated: April 19, 2021

CONN MACIEL CAREY, LLP

10 By: /s/ Andrew Sommer

11 Andrew Sommer

12 Attorneys for Defendants
13 Shamrock Foods Company and John
14 Fernandes

ORDER

The Court, having fully considered the Parties' Stipulation Consenting to Plaintiff's Filing First Amended Complaint, HEREBY ORDERS as follows:

1. Plaintiff is permitted to file a First Amended Complaint no later than 7 days after the date of this order.
2. Defendants shall file a responsive pleading to the First Amended Complaint within 21 days of service of the filed First Amended Complaint.

IT IS SO ORDERED.

DATED: April 19, 2021

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
UNITED STATES DISTRICT COURT JUDGE